

D R A F T

**TIVERTON PLANNING BOARD  
MINUTES OF SPECIAL MEETING  
January 20, 2015**

Chairman Stephen Hughes called the special meeting of the Tiverton Planning Board to order at 7:00 P.M. at the Tiverton High School Auditorium, 100 North Brayton Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Susan Gill, Carol Guimond, Edward Campbell, Peter Corr and David Saurette.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, engineering consultant Deidre Paiva of Commonwealth Engineers and Consultants, planning consultant Kenneth Buckland of the Cecil Group and the Planning Board's Solicitor Peter Ruggiero, Esq. Court reporter Karen Ceseretti was present in the audience.

**1. Carpiionato Group, LLC, Applicant – 1414 Atwood Avenue – Johnston, RI 02919 – Master Plan Review – Public Informational Meeting – Major Land Development – Request for Zoning Ordinance & Map Amendment – Request for Amendment to the Comprehensive Community Plan – Recommendation to the Town Council – S/S Souza Road, N/S Route 24, E/S Main Road – R-40 Zoning District – Plat 110 / Lot 102 (Vacant), Plat 301 / Lot 220 (Vacant), Plat 301 / Lot 221 (1148 Main Road) – Tiverton Crossings – Mixed-Use Major Land Development – Phased – (Retail / Office / Residential / Hotel / Restaurant) – Time Clock = 3/11/2014** Board member Peter Corr had recused himself from the petition and was not seated at the table. Attorneys Kerin Browning and Thomas Moses of Moses, Afonso and Ryan, engineer David Taglianetti and Robert Clinton of VHB, planning consultant Joseph Lombardo and Kelly Coates and Joseph Pierek of Carpiionato Group, LLC were present on behalf of the applicant. The Chairman stated that many letters had been received regarding the petition: both pro and con. He added that one of the members of the Planning Board, Susan Gill, was also a member of the Economic Development Commission, and that she had attended a meeting of the EDC last week. He asked Ms. Gill to explain her situation. Ms. Gill stated that she had been a member of the EDC for the past two (2) years and a member of the Planning Board for the past six (6) months. She stated that for the last three (3) or four (4) months, the EDC had been discussing the Tiverton Crossings petition and that she had not participated in any of these discussions. She stated that last week, the EDC had decided to submit a letter to the Planning Board. Ms. Gill stated that she did not participate in or vote on this letter and that she was keeping an open mind with regard to the petition. Mr. Ruggiero noted that a question had been raised regarding ethics, and that the ethics law does not apply to this case. He stated that the issue was whether or not Ms. Gill entered into the process with an open mind and had not pre-judged the application. He stated that members must base decisions on information received at the public meetings. Mr. Ruggiero stated that it was appropriate for Ms. Gill to recuse herself from the EDC discussions and that it would be her decision to stay and cast a vote with the Planning Board.

The Chairman stated that a letter had been received regarding the tax exemption article of the Code of Ordinances. (Chapter 24, Division V. – Economic Development Real Estate Exemptions) He stated that neither of the Fiscal Impact Analysis reports had taken this issue into consideration and that it could weigh into the Planning Board's decision. He stated that he planned to ask the applicant if they intended to utilize the provisions of this article.

Mr. Coates stated that it would not be utilized for retail or multi-family development, but that it might be utilized for office space in order to incentivize office development. Mr. Moses stated that he had not had an opportunity to evaluate this section of the Town Code, and that it would be evaluated on a case-by-case basis. The Chairman asked if the developer would waive rights, in writing, to the use of this provision for all uses except office. After a brief private discussion, Mr. Moses replied in the affirmative.

The Chairman asked the Board if they wished to ask the consultant to calculate the impact of the exemption. Mr. Saurette disagreed with the idea, stating that the purpose of the exemption is to attract business, and that the

Fiscal Impact Analysis is based on a full buildout. He stated that the exemption would not change the results of the report but rather it could change the time frame of the impact.

#### **A. Comprehensive Community Plan Amendment – The Cecil Group Analysis / Additional Language**

- **Possible Deliberations and Vote / Possible Adoption and Recommendation to Town Council**

The Chairman stated that at the last meeting, Mr. Buckland had been asked to issue a report on amendments to the Comprehensive Community Plan.

(Carol Herrmann, 1106 Main Road, approached the microphone asking for a point of order. The Chairman stated that only Board members could make a point of order. Ms. Herrmann disagreed, stating that Louise Durfee, 262 Highland Road, had been allowed to make a point of order at the last meeting. Ms. Herrmann was not allowed to continue.)

The Chairman noted that in the report from the Cecil Group dated December 30, 2014, there were no changes to the language proposed by the Carpionato Group, which were listed in green. The Cecil Group's suggested additions were listed in red.

The first section reviewed was titled "Rural Character, page 32". Ms. Eva stated that she did not agree with the use of the word "should", and suggested that it be replaced with "could". Mr. Hardy suggested "may". Discussion ensued with no consensus on this item at this time. The next section reviewed was titled "Prime Agricultural Land, page 32". (Ms. Durfee began speaking from the podium and the Chairman asked her to be seated at this time.)

Next, "Historical Resources, page 34" was discussed. Mr. Hardy stated that he had a problem with distinguishing between "contributing" and "non-contributing" properties. He also stated that he would not want to see proposed language impact Four Corners. He disagreed with the language proposed. He suggested instead including the following language, "Should development occur within the Osborn-Bennett Historic District, significant measures should be taken to mitigate any and all negative impacts to the historic character of the District." He noted that the applicant had expressed an interest in working with the Planning Board and the RI Historic Preservation and Heritage Commission. He also suggested that the Board should only reach a consensus this evening, and should hold any votes until after a clean copy of the text is available for review.

Ms. Eva asked why Mr. Hardy's proposed language would only apply to the Osborn-Bennett District. Mr. Hardy replied that the focus was on this District and this project. Ms. Eva opined that the language should be general, for all of the districts. Ms. Gill agreed that it should be more general. Mr. Hardy replied that the Comp Plan language can be specific to certain areas, and that this was the only area with a mixed-use Zoning District under consideration. Ms. Gill asked if "contributing" and "non-contributing" referred to structures versus vacant land. Mr. Hardy replied that the distinction is subjective. He stated that the Department of the Interior acknowledges the distinction and the subjectivity in their definitions. He referred to the Glossary of Historic Registry Terms, which states that it is a "matter of opinion".

Ms. Cote inquired about "significant mitigation", asking if the term would be defined. Mr. Hardy stated that he had proposed "significant measures" and that the Planning Board and the Town would look at signage, landscaping, lighting, preservation of stone walls and other measures that could soften the impact of development. He noted that there could be impacts to contributing properties across the road. Ms. Cote suggested that the Board already looks at mitigation and that items such as landscaping are addressed in every project. The Chairman stated that the property owners could develop an R-40 project (residential) by right, and that the property is not publically owned. He stated that membership in the district is voluntary. The Chairman suggested that the Planning Board should be concentrating on parts of the District with historic value, such as structures, ruins and the cemetery. Mr. Hardy withdrew his proposed language.

Mr. Hardy made a motion to strike the two sentences proposed by the Cecil Group, “The highest priority is placed on preserving significant buildings and their context within the contributing landscape. A lower priority will be placed on preserving non-contributing properties and landscape.” Ms. Eva seconded the motion. The Chairman stated that he would like time to read through and think about the working discussed. Ms. Gill asked Mr. Buckland to comment. Mr. Buckland stated that Mr. Hardy’s wording was more specific, and that the wording drafted by the Cecil Group was more general. Ms. Cote stated that she was not ready to vote. The Chairman stated that Mr. Hardy’s language speaks to this application. Ms. Cote stated that she wanted to read it over and think about it. Ms. Gill expressed concern that “significant measures” was subjective. The Chairman opined that the decision on what it meant could be case by case. Mr. Saurette noted that Mr. Hardy’s language addressed the whole District, while the Cecil Group’s language separated buildings from fields. The Chairman added that the Cecil Group’s language could also be applied elsewhere in Town. Mr. Hardy opined that it was a slippery slope to make a distinction between “contributing” and “non-contributing”. The Chairman expressed a preference for the original language. A vote was taken on the pending motion and failed 4-4. Mr. Saurette, Mr. Hughes, Mr. Hardy and Ms. Gill voted in favor of the motion. Ms. Cote, Ms. Guimond, Mr. Campbell and Ms. Eva were opposed.

The Chairman made a motion to insert Mr. Hardy’s proposed language in place of the language proposed by the Cecil Group. Mr. Hardy seconded the motion. Ms. Gill stated that “any and all” concerned her, asking if the language was too closed and would not allow for discussion and compromise. Mr. Hardy stated that the purpose was to create language that would launch a process for give and take or negotiation to come up with something that everyone can live with. Mr. Saurette suggested changing the language to, “...measures should be taken to mitigate negative impacts.” Ms. Guimond opined that this too was subjective; asking who would determine what was negative. Ms. Eva opined that the language should apply to all historic districts. The Chairman disagreed. Mr. Hardy stated that he was agreeable to the amended language. The Chairman amended his motion to read “Should development occur within the Osborn-Bennett Historic District, measures should be taken to mitigate significant negative impacts to the district.” The motion passed 5-2-1. Mr. Saurette, Mr. Hardy, Mr. Hughes, Ms. Gill and Mr. Campbell voted in favor of the motion. Ms. Guimond and Ms. Eva were opposed to the motion. Ms. Cote abstained.

The next section reviewed was “Future Land Use Plan – page 59”. Ms. Eva noted that the Cecil Group had changed the area and the legend, renaming the gateways as “Mixed-Use Gateways”. She asked why. Mr. Hardy stated that the Board had not discussed this change and had not considered changes elsewhere in Town. He suggested that there should be no change to the legend regarding gateways. Mr. Buckland clarified that the new label was only proposed for the two gateways in the area of the proposed development. Mr. Hardy questioned the necessity of this change. Mr. Buckland replied that it was not necessary. Ms. Eva made a motion to leave the gateway areas and label unchanged and to eliminate the “Mixed-Use Gateway” designation. A new category for “Mixed Use” under “Future Land Uses”, with the mapped area, would remain as proposed by the Cecil Group. Mr. Hardy seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion.

The next section reviewed was “Town Center / Lifestyle Center Proposals – page 87”. Ms. Eva stated that the Town Center / Lifestyle Center proposals were not adopted by the Planning Board and the Town Council and were therefore moot. Mr. Hardy agreed with Ms. Eva. He added that the affordable set-aside units should not be required. He noted that the proposed language would also exempt other projects to the south of Route 24, which he opposed. The Chairman stated that while the concepts were not adopted by the Planning Board, they were in the Comp Plan. Mr. Ruggiero stated that the Planning Board would make the determination on Comp Plan consistency and that it would be up to the Board to articulate the ways in which the project was consistent or inconsistent. He stated that internal inconsistencies should be removed.

Ms. Eva noted that the Comp Plan Update Advisory Committee (CPAC) was also working on this element, and that she did not want to make it harder. She suggested leaving this section unchanged and disregarding the Cecil Group’s proposed language. The Chairman noted that the CPAC’s proposed amendments would also come to the Planning Board for review. Mr. Saurette asked if an exemption on mixed-use affordable units could be

substituted. Ms. Eva opined that it did not belong in this section. Ms. Eva made a motion to make no changes to this section of the Comp Plan (pages 87 and 88). Mr. Hardy seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion.

The next section was "Affordable Housing Policies, page 97". Mr. Saurette suggested replacing the proposed language with "The Mixed Use Development Zoning District is excluded from the requirement to create affordable housing." Mr. Saurette made a motion to substitute his language. Mr. Hardy seconded the motion. Mr. Hardy stated that the Town has been trying to encourage mixed-use development. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion.

"Tiverton's Agenda for Action, page 162 and onwards" was reviewed.

4.3a.: Ms. Michaud noted that Rural Residential Developments were not mixed-use. Ms. Eva made a motion to disregard this proposed change. Ms. Hardy seconded the motion. The motion passed 7-1. Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion. Ms. Cote was opposed to the motion.

5.6: The Chairman made a motion to substitute the following language: "Support industrial and commercial uses that result in net tax revenue and are architecturally compatible with the surrounding area." Mr. Hardy seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion.

6.7: Ms. Eva opined that this should be a waiver and that the Comp Plan should not be changed in this area. Mr. Saurette suggested that the exemption for affordable housing should be for "Mixed-Use Development Zones". Mr. Hardy made a motion to disregard the proposed change and leave the language in the current plan. Mr. Hughes seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion.

6.8: Mr. Hardy stated that requirements could be included in the Zoning Ordinance. Mr. Hardy made a motion to disregard the proposed change and leave the language in the current plan. Ms. Guimond seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion.

6.13: Ms. Michaud opined that this section did not apply to the proposed project. Ms. Eva made a motion to disregard the proposed change and leave the language in the current plan. Mr. Hardy seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion.

9.5: Mr. Hardy made a motion to disregard the proposed change and leave the language in the current plan. Mr. Saurette seconded the motion. The motion passed 7-1. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Hardy and Mr. Saurette voted in favor of the motion. Mr. Campbell was opposed.

At this time, 8:40 PM, the Chairman called for a short recess for the stenographer. The meeting reconvened at 8:54 PM.

The Chairman noted that the Board had not come to a consensus on the first two items from page 32. "Rural Character" was discussed first. Ms. Eva made a motion to change "should" to "may". The new language would now read, "It is clear that all areas of town do not contribute equally to defining local, rural character. Neither does the town have absolute control on the use of private property. So using the methods for land use management identified above, change and development may be granted where a proposed project is located and designed in a manner that is consistent with elements of the neighborhood character." Mr. Hardy seconded the

motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion.

“Prime Agricultural Land” was discussed again. Mr. Hardy asked why the term “redevelopment” was used instead of “development”. Mr. Buckland replied that it referred to a change of use. Mr. Hardy stated that he would be in favor of the change if it is needed. The Chairman opined that the key was the clause reading “not under a current agricultural use”. Mr. Saurette made a motion to accept the language as proposed by the Cecil Group. Ms. Cote seconded the motion. The motion passed 7-1. Ms. Cote, Ms. Gill, Ms. Guimond, Mr. Campbell, Mr. Hardy and Mr. Saurette voted in favor of the motion. Ms. Eva was opposed.

The Chairman noted that this has been a long process, and that the Board was not close to being finished. He noted that the time clock was set to expire on March 11. He suggested an extension noting that snow or quorum issues could cause meeting delays or cancelations. Mr. Moses stated that his client was willing to extend the time clock thirty (30) days from the March 11 date, and that the need for additional time could be discussed at the end of the 30 days. The Chairman stated that the process was taking longer than expected. Mr. Moses asked if the Board could call additional meetings. The Chairman stated that the Board had not held up or canceled any meetings and that he felt that a sixty (60) day extension would be appropriate. Mr. Moses agreed, and requested additional meetings to expedite the process if possible. Mr. Hardy made a motion to extend the time clock to May 11, 2015. Ms. Cote seconded the motion. The motion passed 7-1. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Hardy and Mr. Saurette voted in favor of the motion. Mr. Campbell was opposed.

The Chairman stated that the changes to the Comp Plan discussed this evening would be written up and posted online for a vote at the next meeting. Ms. Eva requested a written statement from the applicant regarding the use of the Economic Development Tax Incentives prior to the next meeting.

At this time, the Chairman invited questions and comments from the audience, noting that the comment period would be suspended at 9:30 PM.

Carol Herrmann, 1106 Main Road, reviewed the November 18 memorandum from the Cecil Group regarding the Comprehensive Community Plan amendment process. She stated that there must be a minimum of one public hearing prior to recommendations to the Town Council and opined that it was inappropriate to talk about a vote.

Barbara Pelletier, 104 Bonniefield Drive, discussed other historic designations in Town, including Fort Barton in March, 1973 and Four Corners in June, 1974. She noted that the Osborn-Bennett District was established in December, 2005 when a previous developer had proposed a development in the area. She stated that if the previous development had been approved, the Town could have had a library with no bond. Ms. Pelletier stated that Four Corners District was established in the same time frame as the Bicentennial as part of celebratory events. She stated that Four Corners looked far different, and was shabby and in need of work. She stated that the area was made self-supporting and the Chace Cory house was restored and given to the Town. The Chairman asked Ms. Pelletier to stay on point. Ms. Pelletier stated that [Four Corners property owner] Jim Weir had a vision for the [Four Corners] area and had put together a group of people to generate interest and to add buildings to create a critical mass. She stated that there were a significant number of truly historic buildings that fell apart. Ms. Pelletier added that before 2005 the Souza Road area had been home to [oil] tank farms. She opined that maybe now with proper planning the area can be developed with more commercial space and the historic district can be restored and money provided for upkeep.

Barbara Martin, 313 Puncateest Neck Road, stated that the public had no time to review and comment on the new Comprehensive Community Plan document.

Roanne LePage, 547 Fish Road, stated that she had seen a lot of housing development and business development in Town, and not all for the better. She stated that Tiverton used to be sleepy and quiet, much like Little Compton. She opined that taxes from the proposed development won't necessarily improve the tax rate,

since more money would be needed for schools, police and other services. She also expressed concern regarding traffic, speeding, car pollution, noise, light pollution and litter. Ms. LePage asked which stores would be located within the development. She stated that once the project is started, the Town won't have a say in what stores are within the development.

Ms. Durfee stated that the Cecil Group's memorandum cited steps required prior to submission of an amendment to the Town Council, including public notice. She stated that this was important and legally necessary. She referred to the historic and cultural resources inventory, stating that the Plan must include goals, policies and implementation techniques for the protection of these resources.

Joseph Souza, 49 Hancock Street, noted that there had been discussion regarding exempting the proposed development from the requirement for low income housing. He asked if the Town could do something to prevent low income housing within the development. He asked if the units could be age restricted. He stated that he would not want to see the housing component restricted too much, as that could prevent a live/work scenario. The Chairman stated that this level of detail is not normally discussed at Master Plan. Mr. Souza stated that he appreciated the Board members time and effort.

Louis Viola, 3731 Old Main Road, stated that he had left North Providence to move to Tiverton. He stated that he felt that the proposed development was in direct contradiction with the second and third goals of the Comprehensive Community Plan. He also expressed concern regarding water and wastewater.

Connie Fleckenstein, 58 Garden Avenue, opined that the proposed development was a "Trojan horse" and would be the beginning stages of building a city. She stated that Zoning is not written in stone. She noted that Tiverton already has a library, theater and playgrounds. Ms. Fleckenstein opined that the down side of every city is that there is a criminal element that preys on innocent people, such as drug addicts, drug dealers, prostitutes, pimps and career criminals. She asked the Board to consider what they would leave for the next generation.

Deborah Pallasch, 432 Lake Road, asked a procedural question. She noted that the Comprehensive Plan Advisory Committee (CPAC) had held charrettes with the public and that a set of updates would be coming from the residents. She asked how the two processes (CPAC and the current Planning Board process) would be reconciled. She opined that it would be tragic not to consider what the residents want.

A.C. Osborn, 1168 Main Road, asked if the proposed changes would supersede the language in the current Comprehensive Community Plan. He noted that the historic district is characterized by outbuildings and stone walls and that the proposed project would destroy the stone walls and a building and therefore there would no longer be a historic district. He also stated that if the Board was to approve the project, there would be traffic concerns and that the State could come in and do their own assessment of the traffic. The Chairman noted that the current plan called for 1148 Main Road to remain in place. Mr. Osborn noted that his property is located close to the highway, in an area of Main Road that the State could widen to four (4) or six (6) lanes depending upon the State's assessment of the traffic.

Susan Benesch, 219 Brackett Avenue, stated that she was relieved that her property was not within the historic district, as her property value would go down. She opined that it was appalling that the Board did not want to include affordable housing in the proposed development, and that the Town does not have enough affordable housing. She stated that there were tremendous vacancies in area malls such as Swansea, Providence Place, Harbor Mall and Dartmouth. Ms. Benesch opined that big box stores would spoil the character of the Town. She stated that she did not find Chapel View to be nice and that the Town did not need 25 acres of asphalt.

Howard Benesch, 219 Brackett Avenue, stated that this area was at one time inhabited by the Narragansetts. He asked if there were any cemeteries on the property and if it was OK to build on the property. The Chairman stated that they were aware of one cemetery, which was shown on the plans.

Mr. Osborn spoke again, stating that his grandmother had told him that the hill had originally extended up higher and that the Pocassets had lived there. He stated that there were some artifacts in his collection. He stated that construction of the highway had cleared out the area.

Timothy \_\_\_\_\_ of 15 \_\_\_\_\_ stated that he had left Fall River for the rural character of Tiverton. He expressed concern regarding light pollution, noise and traffic.

Susan Thayer-Kramer, 60 Nonquit Lane, stated that the Pardon Gray Preserve contained the same acreage as the proposed project. She stated that by comparison, Pardon Gray does not impact the fire department or water resources. She opined that open space was the best way to keep taxes down.

Terence Garvey, 105 Lucy Avenue, stated that there should be two primary considerations. First, should the project happen? Then, how can it be controlled to provide the maximum benefit? He stated that the developer does not want to be micromanaged, but the Town wants to have real time control. He stated that the Town did not know what would happen in the future, but should stay engaged and have agreements on how to handle unexpected things that will come up. He opined that the Board was focusing on the wrong things.

Colleen Gilmartin, Muse Way, stated that malls are dead. She asked if the applicant was thinking in terms of demographics, adding that people from 18 to 35 or 40 do not shop in malls. She asked what was the targeted demographic. Ms. Gilmartin added that she did not understand why people were afraid of affordable housing. She opined that it was not a bad thing.

Todd Morris, Seapowet Avenue, stated that the Planning Board must consider the future and the viability of the shopping mall / shopping center model. He opined that everyone shops online and that the developer would leave and the residents would be left "holding the bag".

At this point (9:40 PM) Mr. Saurette asked if the Board could move on to address other items on the agenda. He asked if the Board members had items that they would like to see for the next meeting, or if more guidance was needed. Ms. Eva stated that she would like a copy of the proposed Zoning Map. The Chairman opined that there were a lot of issues for the Planning Board to discuss. Ms. Eva asked if the same Zoning Ordinance text amendment was under review. Ms. Michaud replied in the affirmative, stating that it was unchanged since the original submission. Mr. Hardy suggested that at the next meeting there should be a public discussion prior to any vote on the Comprehensive Community Plan amendments in order to satisfy any process concerns. He opined that there should be a time limit on the public input.

#### **B. Zoning Ordinance Amendment Request (Map & Text)**

- **Possible Deliberation and Vote / Possible Recommendation to Town Council**

Mr. Saurette asked the Board members if they had reviewed the Draft Development Standards and Guidelines document. The Chairman stated that he had not completed his review, but that he liked the language on signage. He added that a "no" vote on the Comp Plan would make Zoning a moot point. Ms. Michaud stated that she would post the Draft Development Standards and Guidelines on the Town's website. She added that it was currently not in synch with the proposed Zoning text amendments.

At this time (9:49 PM) Mr. Campbell left the meeting.

#### **C. Revised Master Plan Application** This item was continued to the next meeting.

- **Possible Deliberation and Vote – Conditional Approval or Denial**

#### **E. Next Special Meeting Date and Items for Next Special Meeting Agenda**

D R A F T

Ms. Michaud stated that she would work with Mr. Ruggiero and Mr. Buckland to draft a revision of the Comprehensive Community Plan amendment document. This would be distributed to the Board members and to the applicant and the public.

Mr. Hardy made a motion to continue all items to February 24, 2015 at 7:00 PM at the high school. Ms. Guimond seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Hardy and Mr. Saurette voted in favor of the motion. (Mr. Campbell had left the meeting.)

## **2. Tiverton Planning Board**

**A. Miscellaneous** There was no miscellaneous discussion.

**B. Adjournment:** Mr. Hardy made a motion to adjourn. The motion was seconded by Ms. Guimond. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond and Mr. Saurette voted in favor of the motion. (Mr. Campbell had left the meeting.) The meeting adjourned at 9:52 P.M.

*(Italicized words represent corrections made on the approved date.)*

Submitted by: \_\_\_\_\_  
Kate Michaud, Clerk

Approval Date: draft



## ATTACHMENT #1 – CECIL GROUP MEMORANDUM

### Comprehensive Plan Revision

December 30, 2014

The Cecil Group recommends that the following amendments would need to be made to the Comprehensive Community Plan for that Plan and the related rezoning for the Tiverton Glen (formerly Tiverton Crossings) proposal from the Carpionato Group to be consistent with the goals and policies of the plan.

#### Notes:

Headings and page numbers are referenced from; *The Comprehensive Community Plan, 2006 Update, Revised 2009*, Adopted by the Tiverton Planning Board and Tiverton Town Council; June 22, 2009, and Certified by the Department of Administration; November 16, 2009

Text amendments proposed by the Carpionato Group are designated as follows:

[Proposed amendment](#)

Text amendments proposed by The Cecil Group are designated as follows:

[Proposed amendment](#)

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Rural Character, page 32

#### Original text

“Rural character is somewhat difficult to define; yet it is unequivocally clear that people want to keep it. Rural character is a combination of many "small town" things about Tiverton that makes it charming--its open land, trees, scenic views, country lanes, stone walls, historic buildings, farms, wildlife and many other qualities that are associated with "country life" that disappear in sprawling, unplanned suburban and urban development. But they do not have to disappear if Tiverton is willing to plan and manage its future development. Many tools are presently available; from administrative actions like zoning and subdivision site plan processes to volunteer efforts such as land trusts. If these tools are carefully thought-out and implemented, it is possible to provide ample opportunity for housing development and economic growth while still retaining the town's rural character. In fact, this is not only possible, but studies have shown that such management practices actually enhance rather than inhibit local economies, because they ensure a community will continue to be a desirable place to live and work.”

#### *Proposed Revised Text*

*Add a new paragraph at the end of this section:*

It is clear that all areas of town do not contribute equally to defining local, rural character. Neither does the town have absolute control on the use of private property. So using the methods for land use management identified above, change and development should be granted where a proposed project is located and designed in a manner that is consistent with elements of the neighborhood character.

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Prime Agricultural Land, page 32

**Original text**

“Farmlands are an important resource in the town. According to RIGIS there are approximately 4,866 acres consisting of soils that are suitable for use as prime agricultural land in Tiverton. Those areas are illustrated in Figure 4-5.<sup>1</sup> Agricultural land is generally well-drained, deep loam soils that are also ideal for building sites. Therefore, there is inevitable pressure to develop on soils that form the best cropland in town.”

***Proposed Revised Text***

*Add a new sentence at the end of this paragraph:*

The decision of whether to allow redevelopment on areas of prime agricultural soils should be weighed against the expected benefits of non-agricultural use on the soils, particularly those areas where prime agricultural soils are not under a current agricultural use.

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Historic Resources, page 34

**Original text**

“An inventory of historic and architectural resources prepared by the Rhode Island Historical Preservation Commission (RIHPC) in 1983 identified significant buildings, historic districts and areas, and historic sites in Tiverton. This inventory serves as a basis for prioritizing historic preservation efforts. Figure 4-6 indicates the locations of the resources identified in this survey (as updated) that are on or eligible for listing on the National Register of Historic Places. These resources are listed in Table 4-1. As of 2006, there are three historic districts formally listed on the National Register, the Tiverton Four Corners Historic District, the Cook-Bateman Farm Historic District, and most recently, the Osborne-Bennett Historic District<sup>2</sup> on Main Road, each containing numerous historic structures. There are also two properties individually listed, Fort Barton and the Joseph Hicks House.”

***Proposed Revised Text***

*Add a new paragraph after this text:*

The highest priority is placed on preserving significant buildings and their context within the contributing landscape. A lower priority will be placed on preserving non-contributing property and landscape.

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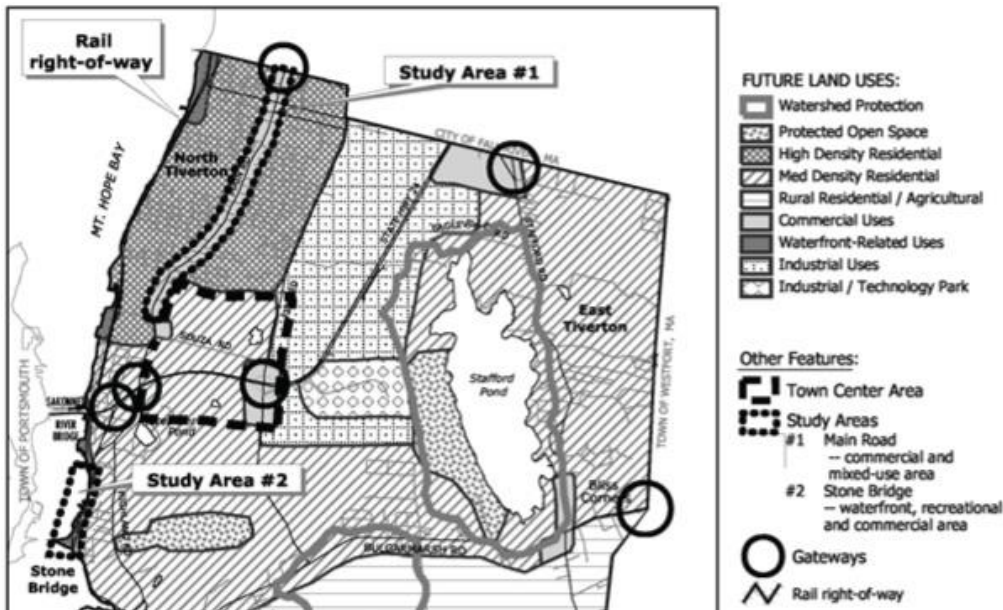
Future Land Use Plan, page 59

**Original figure**

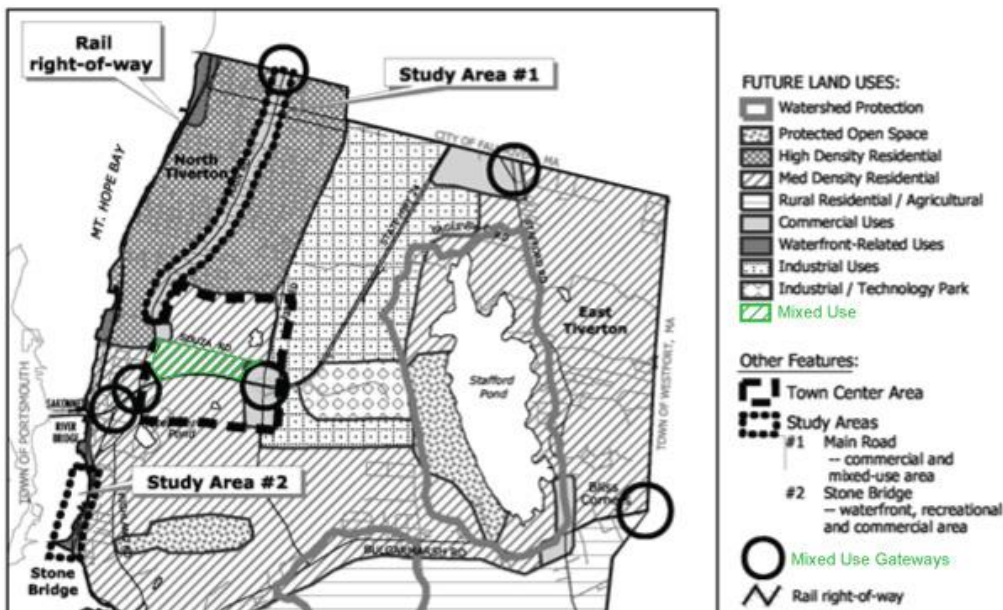
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<sup>1</sup> The proposed project is on Prime Farmland Soils and Important Farmland Soils (Figure 4-5 Agricultural Soils)

<sup>2</sup> The proposed project is within the Osborne-Bennett Historic District site (Figure 4-6 Historic Resources).



Proposed Revised figure



Original text

“Starting in 2003 and throughout all of 2004, the Tiverton Planning Board, and the town in general, worked on developing zoning regulations to govern future development on commercially zoned parcels and other strategically located parcels in the Route 24 area. The area is under immense pressure for the development of a regional mall and the town would like any development to be done as a planned or mixed use development that includes a residential component.

“A moratorium on development of certain parcels in the Route 24 area was passed by the Town Council in 2003, and a Town Center Planning Study, funded by a grant (CDBG) provided through the Church Community Housing Corporation, was completed in 2004. After numerous public workshops and Planning Board public meetings, it was determined that a town center or village concept was the most desirable development approach. The town center concept would include a mixture of uses such as retail, restaurant, office, municipal, public and residential. The study resulted in a zoning overlay proposal to allow a certain level of retail development by right and additional development (measured by the square footage of proposed retail) when land is set aside for municipal, public and/or residential use. The residential development, at a density greater than that allowed by the underlying or comparable residential zoning, would require a 30% set aside for low and moderate income units.

While the situation, as of this writing, is evolving, the town expects development to occur in these critically located areas of town, and that development to include a residential component. Based on the town center overlay zoning regulations, a “Tiverton Town Center” mixed-use development could occur in a Highway Commercial area between Souza Road and Route 24. This would include 50 residential units, 15 of these affordable. Another development, submitted as a concept plan by the developer in an R-40 District abutting Route 24 to the south, would more accurately be described as a “lifestyle center” where the residential use is predominant. The “Tiverton Village” proposal would have some office, retail and public uses, but support 115 residential units in a mixture of housing styles, with 35 set aside as affordable. Together these developments would generate 50 affordable units.”

***Proposed Revised Text***

*Remove the last sentence of the second paragraph:*

~~The residential development, at a density greater than that allowed by the underlying or comparable residential zoning, would require a 30% set aside for low and moderate income units.~~

*Amend the third paragraph as follows:*

While the situation, as of this writing, is evolving, the town expects development to occur in these critically located areas of town, and that development to include a residential component. Based on the town center overlay zoning regulations, a “Tiverton Town Center” mixed-use development could occur in a Highway Commercial area between Souza Road and Route 24. This would include 50 residential units, ~~15 of these affordable~~. Another development, submitted as a concept plan by the developer in an R-40 District abutting Route 24 to the south, would more accurately be described as a “lifestyle center” where the residential use is predominant. The “Tiverton Village” proposal would have some office, retail and public uses, but support 115 residential units in a mixture of housing styles, ~~with 35 set aside as affordable. Together these developments would generate 50 affordable units.~~

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Affordable Housing Policies, page 97

**Original text**

“Policy 8: Adopt and enforce zoning ordinance requirements to allow the development of mixed-use town center and lifestyle center developments that require such developments to set aside a minimum of 30% of the housing units as affordable.”

***Proposed Revised Text***

*Strike the text:*

Policy 8: ~~Adopt and enforce zoning ordinance requirements to allow the development of mixed-use town center and lifestyle center developments that require such developments to set aside a minimum of 30% of the housing units as affordable.~~

*And replace with:*

Policy 8: Mixed-use town center and lifestyle center developments are excluded from any requirements to create affordable housing units.

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Tiverton's Agenda for Action, page 162 and onwards

**Original text (relevant items)**

“4.3 a. Work with developers to promote rural residential developments as the preferred type of development pattern.

b. Use the services of professional design consultants in the design of rural and conservation developments.

4.6 Adopt specific design standards for new commercial and mixed use developments in town.

5.6 Support industrial and commercial uses that result in net tax revenue and are compatible with the small town and rural character of the town.

6.5 Strengthen and clarify zoning provisions that allow multi-family dwellings.

6.6 Evaluate zoning provisions that allow mixed use residential.

6.7 Continue to mandate the set aside of a minimum of 20% and 30% affordable units for single family, and multi-family developments, respectively.

6.8 Adopt zoning ordinance requirements to allow the development of mixed-use town center and lifestyle center developments that require a minimum of 30% affordable housing units.

6.13 Amend the Zoning Ordinance so that all comprehensive permit applications submitted are evaluated according to the goals and policies set forth in the Affordable Housing Plan.

9.5 Protect farmland through active involvement in funding programs that preserve land for agricultural use.

10.2 a. Support and promote new commercial development that primarily serve local needs and reflect and/or compliment the unique character of Tiverton.

b. Consider the development of a “Tiverton Town Center” that consists of a comprehensive mixed use development

10.8 Evaluate zoning regulations addressing mixed uses.”

*Proposed Revised Text*

*Amend the text as follows:*

4.3 a. Work with developers to promote rural residential developments as the preferred type of development pattern except in the case of new mixed-use development.

5.6 Support industrial and commercial uses that result in net tax revenue and are compatible with the small town and rural character of the town except in the case of new mixed-use development.

6.7 Continue to mandate the set aside of a minimum of 20% and 30% affordable units for single family, and multi-family developments, respectively except in the case of new mixed-use development.

6.8 Adopt zoning ordinance requirements to allow the development of mixed-use town center and lifestyle center developments without the requirement for ~~that require~~ a minimum of 30% affordable housing units.

6.13 Amend the Zoning Ordinance so that all comprehensive permit applications submitted are evaluated according to the goals and policies set forth in the Affordable Housing Plan except in the case of new mixed-use development.

9.5 Protect farmland through active involvement in funding programs that preserve land for agricultural use except in the case of new mixed-use development.